

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Victor Hernandez,

Plaintiff,

—v—

Kirby Forensic Psychiatric Hosp., et al.,

Defendants.

DEC 04 2019

14-cv-5910 (AJN)

OPINION & ORDER

ALISON J. NATHAN, District Judge:

On September 24, 2019, the Court granted Defendants summary judgment in this matter. Dkt. No. 194. On November 22, 2019, the *pro se* plaintiff, Mr. Victor Hernandez, asked the Court to extend his deadline to file a notice of appeal. Dkt. No. 196. His request is GRANTED.

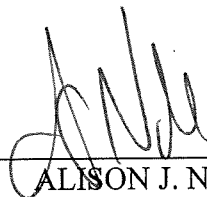
Pursuant to 28 U.S.C. § 2107(a), parties must file notices of appeal within thirty days of the entry of judgment. *Bowles v. Russell*, 551 U.S. 205, 208 (2007); Fed. R. App. P. 4(a)(1). “District courts have limited authority to grant an extension of the 30-day time period.” *Bowles*, 551 U.S. at 208. Federal Rule of Appellate Procedure 4(a)(5) authorizes courts to extend the time in which a party may file a notice of appeal in certain circumstances.

Mr. Hernandez has satisfied Rule 4(a)(5)’s two criteria for such an extension. His time to file a notice of appeal expired on October 24, 2019. But he moved for an extension within thirty days of that date; the Court received his motion on November 22, 2019. Dkt. No. 196. He has therefore satisfied Rule 4(a)(5)(A)(i). He has also shown good cause for an extension. His motion states that he “was very sick with bronchitis due to full blown AIDS.” *Id.* His illness is not in dispute; this litigation arises from it. He has thus also satisfied Rule 4(a)(5)(A)(ii). Mr. Hernandez’s request for an extension of time to file a notice of appeal is therefore GRANTED.

A copy of this Order will be mailed to the *pro se* Plaintiff and that mailing will be noted on the public docket.

SO ORDERED.

Dated: December 3, 2019
New York, New York



ALISON J. NATHAN
United States District Judge